

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

SEL W. DUNLAP

Plaintiff

V.

REFUSE DEPARTMENT SANITARY
DISTRICT,

Defendant

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CAUSE NO. 3:05-CV-214 RM

OPINION AND ORDER

The defendant Refuse Department Sanitary District of Michigan City, Indiana filed a motion to strike and to dismiss plaintiff Sel Dunlap's *pro se* complaint because Mr. Dunlap had not signed it. Mr. Dunlap's response to the Refuse Department's motion included an amended complaint that contains his signature. He also filed a copy of this amended complaint on June 10, 2005. He didn't need leave of the court to file his amended complaint because the defendant has yet to file a responsive pleading. *See* FED. R. CIV. P. 15(a). Because Mr. Dunlap's amended complaint cures the only deficiency pointed out by the Refuse Department's motion to strike and dismiss, the motion to strike and dismiss [docket no. 25] is DENIED AS MOOT.

ENTERED: June 17, 2005

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court

cc: S. Dunlap